

REMARKS/ARGUMENTS

In the Final Office Action of October 9, 2007 (the "Final Office Action"):

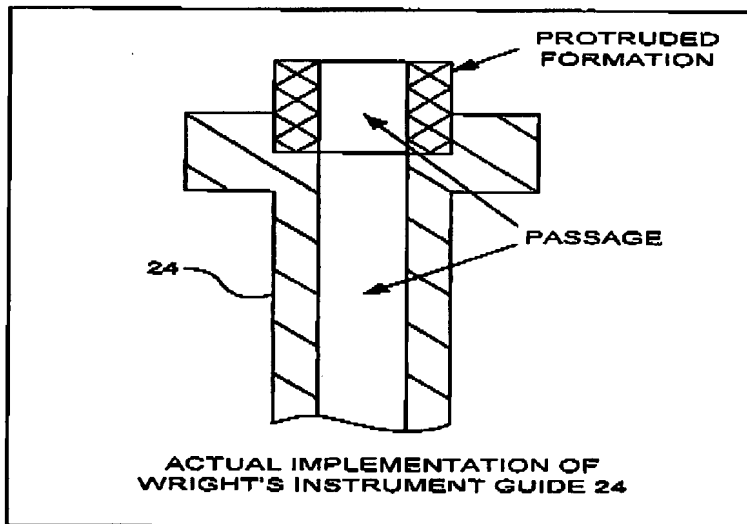
1. Claims 18, 19, 21, 22, 30, 31 are rejected under 35 USC 102(e) as being anticipated by U.S. 6,726,699 issued to Wright et al. ("Wright");
 2. Claim 22 is rejected under 35 USC 103(a) as being unpatentable over Wright in view of U.S. 5,320,611 issued to Bonutti et al. ("Bonutti");
 3. Claims 23, 24 are rejected under 35 USC 103(a) as being unpatentable over Wright and Bonutti, and further in view of U.S. 6,224,608 issued to Ciccolella et al. ("Ciccolella"); and
 4. Claims 23, 25-29 are rejected under 35 USC 103(a) as being unpatentable over Wright and Bonutti, and further in view of U.S. 4,655,752 issued to Honkanen et al. ("Honkanen").
1. **Rejection of Claims 18, 19, 21, 22, 30 and 31 under 35 USC 102(e) as being anticipated by Wright**

Regarding Claim 18, the Final Office Action states that "all language after the word 'for' in line 5 is functional language and not positively claimed, thus the prior art must simply be capable of performing the function set forth, based on structural limitations of the claims."

In order to add additional structural limitation to the engaging formation, Claim 18 has been amended to incorporate the limitations of Claim 19 so as to claim a tool guide comprising an elongate body and an engaging formation defined within a passage of the body, wherein the engaging formation has a "socket formation to hold and provide a stop" for a complementary engaging formation on a robotic arm so that a passage defined within the complementary engaging formation is aligned with the passage of the elongate

body,” and such an engaging formation is believed to be neither taught nor suggested by Wright.

As explained in our previous Amendment of July 5, 2007, Mr. Paul Milman, a former Computer motion Inc. engineer who is familiar with the design taught by Wright, indicated that Wright’s instrument guide 24 has a protruded formation that inserts into a receptive formation on the tool driver 20 so that it can be locked in place either by a twisting action or by engaging a spring-loaded pin. The following drawing was provided to clarify this portion of the instrument guide 24 as shown in Wright’s FIG. 1.



As is apparent from the above drawing, there is no socket formation at the coupling end of Wright’s instrument guide 24. In particular, the cross-hatched area in the above drawing is a cross-sectional of a solid protruded formation, and the passage extending

through the protruded formation as well as the rest of the instrument guide 24 does not define a ledge for a socket formation.

In rejecting Claim 19, the Final Office Action refers to Wright's FIG. 1 as showing a socket formation. However, applicants respectfully submit that such an assertion is unsupportable in light of the above drawing (as well as the extended explanation related to this issue in the prior amendment) which clarifies the coupling end of the instrument guide 24, and respectfully request reconsideration of the rejection of Claim 19 in light of the foregoing.

Accordingly, Claim 18, which has been amended to incorporate the limitations of Claim 19, is believed to be patentable under 35 USC 102(b) over Wright for at least the foregoing reasons.

Claims 21, 22, 30 and 31 are also believed to be patentable under 35 USC 102(b) over Wright since they depend from Claim 18, and as such, are believed to be patentable for at least the same reasons as stated in reference to Claim 18.

3. Rejection of Claim 22 under 35 USC 103(a) in light of Wright & Bonutti

Claim 22 depends from Claim 18, and as such, is believed to be patentable under 35 USC 103(a) in light of Wright and Bonutti for at least the same reasons stated in reference to Claim 18, as well as any other reasons stated in previous communications.

4. Rejection of Claims 23, 24 under 35 USC 103(a) in light of Wright & Ciccolella

Claims 23 and 24 are believed to be patentable under 35 USC 103(a) in light of Wright and Ciccolella since they depend from Claim 18, and as such, are believed to be patentable for at least the same reasons as stated in reference to Claim 18, as well as any other reasons stated in previous communications.


5. Rejection of Claims 23, 25-29 under 35 USC 103(a) in light of Wright & Honkanen

Claims 23 and 25-29 are believed to be patentable under 35 USC 103(a) in light of Wright and Ciccolella since they depend from Claim 18, and as such, are believed to be patentable for at least the same reasons as stated in reference to Claim 18, as well as any other reasons stated in previous communications.

Claims 18, 21-31 remain pending in the application. Claims 1-17, 19, 20, and 32-39 have been cancelled. Reconsideration of the rejection of the pending claims is respectfully requested, and an early notice of their allowance earnestly solicited.

Respectfully submitted,

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